

A survey of pertinent legislation in other states, I believe, will show that California is unique in its failure to adopt these safeguards.

Perhaps, the stilled voice of little Leopold Abos will attract powerful social advocacy to right this tragic social danger.—Los Angeles *Journal*, April 14, 1939.

Subject: Report on an interesting California medical-legal case.

San Francisco, California,
April 7, 1939.

Re: *Tator vs. Pacific Employers Insurance Company*, (also known as *Pacific Employers Insurance Company vs. Industrial Accident Commission and Kenneth Tator*.)

To the Editor:—You will recall that in the above entitled action we appeared before the California Supreme Court on behalf of Drs. Quigley, Majors and Cary, who rendered professional services to Kenneth Tator, the injured employee. As previously reported to you, the California Supreme Court decided the case in favor of the injured employee and the doctors and against the Workmen's Compensation insurer. Also, as previously reported, the insurance company then appealed to the United States Supreme Court.

We are advised that on March 27, 1939, the United States Supreme Court affirmed the decision of the Supreme Court of California. We have not as yet been able to obtain a copy of the opinion of the United States Supreme Court, but the following item appearing in the San Francisco *Recorder* on March 28 sets forth the substance of the decision and a brief history of the litigation:

"Washington, March 27.—The Supreme Court of the United States, in a decision written by Justice Stone and announced this morning, affirmed the action of the Industrial Accident Commission of the State of California and the decision of the California Supreme Court in the case of *Pacific Employers Insurance Company vs. the Commission and Kenneth Tator*. The question involved was one of a conflict between the law of Massachusetts and the law of California, and the Supreme Court upheld the application of the California law.

"In 1935, Kenneth Tator, a chemical engineer, was sent by his employer, the Dewey & Alma Chemical Company, from its plant in Massachusetts to its plant in Oakland. On October 17, 1935, Tator received a serious injury to his hand while working at the Oakland plant. He filed an application with the Industrial Accident Commission seeking benefits under the California Compensation Act. The Pacific Employers Insurance Company carried the chemical company's compensation insurance in California, and the Hartford Accident & Indemnity Company carried such insurance in Massachusetts. The Pacific Employers contended the liability was that of the Hartford on this ground.

"The Massachusetts Compensation Act provides that one employed in Massachusetts elects to be governed by the Massachusetts Compensation Act for injuries no matter where sustained. The California Compensation Act provides that it governs over all injuries sustained in the State of California regardless of where the contract of employment is entered into.

"The Industrial Accident Commission held the Pacific Employers liable, and that insurance company appealed by writ of review to the California Supreme Court.

"Briefs were filed and the matter argued by Attorneys G. S. Keith and Frank J. Creede in behalf of Tator, and Everett A. Corten in behalf of the Industrial Accident Commission. An amicus curiae brief was filed by Hartley F. Peart and Howard Hassard in behalf of numerous California doctors who wished the action of the Industrial Accident Commission upheld on the ground that California

doctors who treat injured men in this state should be able to seek payment of their bills here rather than go to some other jurisdiction.

"The California Supreme Court upheld the award in favor of Tator. The Pacific Employers Insurance Company thereupon obtained a writ of review in the United States Supreme Court. William H. Mullen argued the matter in Washington on behalf of Pacific Employers. Everett A. Corten and Frank J. Creede likewise argued the matter before the United States Supreme Court.

"The Supreme Court has now held that the California law is applicable and the liability is that of the Pacific Employers Insurance Company rather than the Hartford Accident & Indemnity Company."

The decision of the United States Supreme Court now settles once and for all the right of an employee to secure compensation in the state in which he is injured. It further settles the right of doctors who render services to such injured employees to be paid in the state in which they rendered services. This is of great importance to all physicians doing industrial work, because otherwise in many cases it would be necessary to proceed for compensation in distant places.

111 Sutter Street.

Very truly yours,
HARTLEY F. PEART.

Subject: Enforcement of Medical Practice Act.

San Francisco, California,
April 8, 1939.

To the Editor:—We enclose herewith a report by Special Agent Williams dated April 7, 1939, which clearly sets forth the difficulties in enforcement of the Business and Professions Code relating to the practice of medicine.

We thought the information contained in the enclosed letter would be most illuminating for readers of CALIFORNIA AND WESTERN MEDICINE.

Very truly yours,
C. B. PINKHAM, M. D.,
Secretary-Treasurer.

(COPY)

San Francisco, California,
April 7, 1939.

C. B. Pinkham, M. D.
Board of Medical Examiners
214 - 515 Van Ness Avenue
San Francisco, California.

Re: Henry Wong, Chinese Herbalist.

Dear Doctor Pinkham:

Supplementing my report of February 14, 1939, re: the above Chinese herbalist, whom I arrested in Salinas on March 24, 1939, on two counts of violating Section 2141 of the Business and Professions Code, I am giving you herewith the final disposition of the case.

On March 29, 1939, the above case went to trial before a jury and Harry J. King, Justice of the Peace, Salinas.

Following two days of testimony, most of which was produced on behalf of the prosecution the case went to the jury for deliberation at 5 p. m. on March 30, 1939, and after several hours' deliberation a verdict of not guilty was returned at 9:30 p. m. that day.

Four witnesses testified for the prosecution to the fact that Wong had represented himself as being a doctor; had examined and diagnosed their condition; prescribed and treated for same. Evidence was also produced and corroborated that Wong had used certain anatomy charts showing the cross section of the human organs in his diagnoses and had pointed to the ureters shown on one of said charts and called them prostate glands, telling the patient